

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 22596 of 2007(M)

PETITIONER:

ROSAMMA, W/O. MICHAEL, AGED 60 YEARS,
RESIDING AT PULLIKATTIL HOUSE, MATTATHIPARAKARA,
KARIMKUNNAM VILLAGE, THODUPUZHA TALUK.

BY ADV. SRI K. DIVAKARAN NAIR

RESPONDENTS:

1. THE BRANCH MANAGER,
KERALA FIANANCIAL CORPORATION, THODUPUZHA.
2. THE DY. THAHSILDAR (R.R),
KERALA FIANANCIAL CORPORATION, KOTTAYAM.
3. VALSAMMA SASIKUMAR, AGED ABOUT 46 YEARS,
RESIDING AT ANANDABHAVAN, KARIMKUNNAM VILLAGE,
THODUPUZHA TALUK.
4. SASIKUMAR, AGED ABOUT 50 YEARS,
RESIDING AT -D0- -DO-

R1 AND R2 BY SC SRI. V.B. UNNIRAJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 COPY OF JUDGMENT IN OS 35 OF 2001 OF THE SUB COURT, THODUPUZHA

EXT.P2 COPY OF SALE DEED NO. 1285/1999 EXECUTED BY THIRD RESPONDENT IN FAVOUR OF THE PETITIONER.

EXT.P3 COPY OF RR NOTICE DATED 8.2.2007 ISSUED BY 2ND RESPONDENT FOR THE SALE OF EXT.P2 PROPERTY.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 22596 OF 2007

Dated this the 23rd day of August, 2007

JUDGMENT

Inspite of notice there is no appearance for respondents 3 and 4. Property purchased by the petitioner from respondents 3 and 4 was subject to mortgage to KFC and therefore property was sold in recovery proceedings by the second respondent. It is stated that there is a balance of around Rs. 1 lakh left after meeting the liability due to KFC. Since petitioner is the owner of property, though subject to mortgage, and has a right of redemption, there will be direction to the second respondent to release the balance sale consideration after setting-off liability due to KFC and cost of recovery, to the petitioner within one week from the date of confirmation of sale or if it is done within one week from the date of production of a copy of this judgment by the petitioner.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge

